IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.965 OF 2003
IN
SUMMONS FOR JUDGMENT NO.723 OF 2004
IN
SUMMARY SUIT NO.136 OF 2004

M/s.Rajesh Kumar & Co. & Ors. .. Appellants
V/s
Mrs.Manjit Kaur Sawhney .. Respondent

Mr.A.Bookwala with Mr.Bhavsar i/by Ms.Sabeena Mahadik for the Appellants.

Mr.Q.M.Ashfaq for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI, JJ.

DATE : 28.10.2005.

P.C.:

1. Heard the learned Counsel for the parties. By this Appeal, the Appellants are challenging the order dated 20.9.2005 whereby the learned Single Judge has granted conditional leave to the Appellants (Defendants) to defend the suit and the Appellants were directed to deposit Rs.12 lakhs within a period of four weeks from the date of the order. Mr.Bookwala, the learned Counsel for the Appellants has pointed out that, in fact, the Promissory Note was dated 2.2.2001 and the suit was filed in December, 2003 and subsequent to the filing of the suit the Respondent had issued a cheque in the sum of Rs.15,00,987/-. The Respondent however sought to contend that in the aforesaid cheque the Respondent's signature was forged. However, the letter issued by the Corporation Bank dated 17th May, 2005 clearly mentions that it is the signature of the Respondent.

2. In the facts and circumstances of the case, we are inclined to reduce the amount of Rs.12 lakhs to Rs.6 lakhs, to be deposited by the Appellants. The time to deposit the aforesaid amount of Rs.6 lakhs by the Appellants is extended by a period of six weeks from today. Rest of the order of the learned Single Judge dated 20.9.2005 stands as it is.

3. Appeal stands disposed of in terms of the above.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)